

1 **JOINTLY SUBMITTED**

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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 WYNN RESORTS, LIMITED, a Nevada
10 Corporation,

11 Plaintiff,

12 vs.

13 KAZUO OKADA, an individual, ARUZE
14 USA, INC., a Nevada corporation,
UNIVERSAL ENTERTAINMENT
CORP., a Japanese corporation,

15 Defendants.

CASE NO: 2:12-cv-00400-LRH -PAL

**JOINT REQUEST TO VACATE
AS MOOT THE COURT'S
JULY 18, 2012 ORDER**

16 ARUZE USA, INC., a Nevada
17 corporation, UNIVERSAL
18 ENTERTAINMENT CORP.,
a Japanese corporation

19 Counterclaimants,

20 vs.

21 WYNN RESORTS, LIMITED, a Nevada
corporation, STEPHEN A. WYNN, an
individual, KIMMARIE SINATRA, an
individual, LINDA CHEN, an individual,
22 RAY R. IRANI, an individual, RUSSELL
23 GOLDSMITH, an individual, ROBERT J.
MILLER, an individual, JOHN A.
24 MORAN, an individual, MARC D.
SCHORR, an individual, ALVIN V.
25 SHOEMAKER, an individual, D. BOONE
WAYSON, an individual, ELAINE P.
26 WYNN, an individual, ALLAN ZEMAN,
an individual,

27 Counterdefendants
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ELAINE P. WYNN, an individual,
Counterclaimant and
Crossclaimant,

vs.

STEPHEN A. WYNN, an individual,
Crossdefendant,
ARUZE USA, INC., a Nevada
Corporation,
Counterdefendant.

All parties in the above-captioned proceeding (the “Parties”), by and through their respective undersigned counsel, do hereby request as follows:

WHEREAS, on February 19, 2012, Wynn Resorts, Limited (“Wynn Resorts”) filed an action in the Eighth Judicial District, Clark County District Court for the State of Nevada entitled *Wynn Resorts, Limited v. Kazuo Okada, Aruze USA, Inc., and Universal Entertainment Corporation*, Case Number A-12-656710-B;

WHEREAS, on March 12, 2012, Aruze USA, Inc. (“Aruze USA”) and Universal Entertainment Corporation (“Universal”) filed a Notice of Removal from the District Court of Clark County, Nevada to the United States District Court for the District of Nevada;

WHEREAS, on March 29, 2012, Wynn Resorts filed a Motion to Remand the action to the Eighth Judicial District Court;

WHEREAS, on June 21, 2012, the Court granted Wynn Resorts’ Motion to Remand to Nevada state court, ruling that the federal court was without jurisdiction, and set forth a briefing schedule to consider two limited, though related matters prior to issuing its final order on remand: (1) to allow Aruze USA and Universal to seek severance of their counterclaims; and (2) to allow Wynn Resorts to seek attorney’s fees;

1 WHEREAS, on July 5, 2012, Aruze USA filed a Notice of Intent to File
2 Federal Securities Claims as a Separate Federal Action, which indicated that Aruze USA
3 did not intend to submit further briefing on the issue of severance and that it intended to
4 file a separate action in federal court;

5 WHEREAS, on July 5, 2012, Wynn Resorts filed its Supplemental Brief in
6 Support of its Request for Attorneys' Fees Pursuant to 28 U.S.C. § 1447 and LR 54-16, on
7 July 12, 2012 Aruze USA and Universal filed their Opposition thereto, and on July 16,
8 2012 Wynn Resorts filed its Reply, and the matter is fully briefed;

9 WHEREAS, on July 10, 2012, the Wynn Parties¹ filed a response to Aruze
10 USA's July 5 Notice of Intent, which indicated that the Wynn Parties took no position
11 with respect to the matters stated in the Notice except to reserve all rights with respect to
12 any further pleadings in this Court by any of the counterclaimants;

13 WHEREAS, a final order granting remand has not yet been issued in this
14 matter;

15 WHEREAS, the Parties agree that in light of Judge Hicks's June 21, 2012
16 decision on the motion to remand, it will conserve the resources of the Parties and
17 preserve judicial economy for the Court's July 18, 2012 Order to be vacated as moot so
18 that discovery need not proceed in this action in federal court, which would be
19 inconsistent with Judge Hicks's June 21, 2012 decision;

20 WHEREFORE, IT IS HEREBY JOINTLY REQUESTED that:

21 1. The Court's July 18, 2012 Order regarding a discovery plan and
22 scheduling order be vacated as moot in light of the Court's June 21, 2012 decision on the
23 motion to remand; and
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25 _____
26 ¹ For purposes of the Joint Stipulation, the term "Wynn Parties" refers to Plaintiff-
27 Counterdefendant Wynn Resorts, Limited, Counterdefendant-Crossdefendant Stephen A. Wynn,
28 and Counterdefendants Linda Chen, Russell Goldsmith, Ray R. Irani, Robert J. Miller, John A. Moran, Marc D. Schorr, Alvin V. Shoemaker, Kimmarie Sinatra, D. Boone Wayson, and Allan Zeman.

2. The Parties shall not be required to comply with any of the deadlines set forth in the July 18, 2012 Order.

This request is made in good faith, is not interposed for delay, and is not filed for an improper purpose.

DATED: July 30, 2012

PAUL HASTINGS LLP

BY: /s/ Howard M. Privette

Howard M. Privette, Esq.*

William F. Sullivan, Esq.*

Thomas A. Zaccaro, Esq.*

Thomas P. O'Brien, Esq.*

John S. Durrant, Esq.*

PAUL HASTINGS LLP

515 South Flower Street, 25th Fl.

Los Angeles, CA 90071

Samuel S. Lionel, Esq., Bar No. 1766

Paul R. Hejmanowski, Esq., Bar No. 94

Charles H. McCrea, Jr., Esq., Bar No. 104

LIONEL, SAWYER & COLLINS

1700 Bank of America Plaza

300 South Fourth Street

Las Vegas, Nevada 89101

Linda Chatman Thomsen, Esq. *

Paul Spagnoletti, Esq. *

Greg D. Andres, Esq. *

DAVIS POLK & WARDWELL LLP

450 Lexington Avenue

New York, New York 10017

*Attorneys for Aruze USA, Inc. and
Universal Entertainment Corporation*

PISANELLI BICE PLLC

BY: /s/ James J. Pisanelli

James J. Pisanelli, Esq., Bar No. 4027
Todd L. Bice, Esq., Bar No. 4534
Debra L. Spinelli, Esq., Bar No. 9695
Jarrod L. Rickard, Esq., Bar No. 10203
3883 Howard Hughes Pkwy., Ste. 800
Las Vegas, Nevada 89169

Paul K. Rowe, Esq. *
Stephen R. DiPrima, Esq. *
Bradley R. Wilson, Esq. *
WACHTELL, LIPTON,
ROSEN & KATZ
51 West 52nd Street
New York, New York 10019

Robert L. Shapiro, Esq. *
GLASER WEIL FINK JACOBS
HOWARD AVCHEN & SHAPIRO, LLP
10250 Constellation Blvd., 19th Floor
Los Angeles, California 90067

*Attorneys for Wynn Resorts, Limited,
Linda Chen, Russell Goldsmith, Ray R.
Irani, Robert J. Miller, John A. Moran,
Marc D. Schorr, Alvin V. Shoemaker,
Kimmarie Sinatra, D. Boone Wayson, and
Allan Zeman*

CAMPBELL & WILLIAMS

BY: /s/ Donald J. Campbell

Donald J. Campbell, Esq., Bar No. 1216
J. Colby Williams, Esq., Bar No. 5549
700 South Seventh Street
Las Vegas, Nevada 89101

Attorneys for Stephen A. Wynn

JOLLEY URGAL WIRTH WOODBURY &
STANDISH

BY: /s/ William R. Urga
William R. Urga, Esq., Bar No. 1195
3800 Howard Hughes Parkway, 16th Floor
Las Vegas, Nevada 89169

Ronald L. Olson *
Mark B. Helm *
Jeffrey Y. Wu *
MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue
Thirty-Fifth Floor
Los Angeles, CA 90071

Attorneys for Elaine P. Wynn

** admitted pro hac vice*

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATED: _____